

REMARKS

35 U.S.C. § 112(1)

The objection to the claim limitation and phrasing, “other people’s computers” and “one’s own computer” deny the applicant the right to be his own lexicographer. The claim term “other people’s computers” is more than adequately defined in paragraph 14. Both phrases are readily understood by those of skill in the art. “Other people’s computers” means “both file sharing site servers and, particularly in the case of decentralized P2P method, computer subscribing to the Internet file sharing site concern.” “Other people’s computers” is also associated with “file sharing site computers” *see*, paragraph 15, page 4, lines 13-14.

Accordingly, the specification is not amended in this regard to respond to the § 112(1) comments in the office action, paragraph 5 and the claims are also not amended. The office action comments in paragraph 7 do not express the statutory standard under § 112(2).

Paragraphs 4, and 12 in the specification are amended in response to the § 112(1) comments in paragraph 4 of the office action.

Claim Objections

The amendments hereto cure each of the claim objections.

35 U.S.C. § 112(2)

The claim limitation “other people’s computers” is not amended for the reasons stated above.

The amendments to the claim submitted herewith cure the rejections based on the recitation of “inter alia consist of”, “e.g., the title”, “characterized by the following steps”, “the latter”, “answering inquiries”, “partial steps”, “some” and “result of the comparison is positive”. Each of these amendments broadens the claim.

35 U.S.C. § 103

The two references upon which the office action § 103 rejection is based cannot be combined because Schechter teaches away from their combination. In Section 3.2, second paragraph (page 7, lines 20-24, Schechter says,

“Reputation systems counter corrupt content attacks by enabling users to rate the validity of content and those who provide it. To ensure that all copies of the same content share the same reputation, content may be identified by its fingerprint (or hash). This enables reputations to scale far beyond trust in the user and allows widely duplicated corrupt files to be recalled quickly.” *See*, Schechter, page 7, lines 20-24.

Schechter is teaching the use of hash marks by P2P file sharing systems to identify and avoid content owner’s corruption programs such as claimed presently. Accordingly, even in the event that a preceding paragraph discussing “integrity” attacks were construed as in the office action, the fact that that description is in the context of teaching away from the use of hash marks for the claimed misdirection attack on file sharing sites prevents the use thereof as a permitted combination to support a prima facie case of obviousness. KSR v. Teleflex, 550 US1 (2007).

Moreover, the Schechter system is inoperative without the concluding step of recalling corrupt files. This contrary teaching presupposes a recall entity or step that is not in the pending claims. In the same sense that the truth of “it’s raining, therefore the streets are wet,” does not teach the truth of the contrary statement, “the streets are wet, therefore it must be raining,” the Schechter teaching does not disclose or teach the method of the presently pending claims, and clearly does teach the exact opposite of them. Similarly, Schechter teaches that a change in the content of a file will change the hash ID also. Thus, modified content data is easy to recognize, since Schechter is teaching methods for the illegal copying of copyrighted content. Present claims teach the exact opposite, which is the maintenance of a link between an original hash ID and modified content data. Accordingly, Schechter is both a classic example of teaching away, and a failure of prima facie case of obviousness that is expressly recognized under KSR. Finally, Schechter would be inoperative to achieve the results of the invention as presently claimed.

NEW CLAIMS

New claims 8 and 9 are supported by paragraphs 15 and 16 of the original application.

New claims 10 and 11 are supported by paragraph 22 of the original application.

INTERVIEW SUMMARY

Applicant thanks the Examiner for a courteous and useful interview on February 29.

Applicant understands that agreement was reached on the 112 issues raised by the last office action, and that use of the phrase “other people’s computers” meets the statutory standard.

Examiner raised an issue of whether or not claim 1 would cover the replacement of original content data records comprising copyrighted material such as music or videos with modified content data records comprising corrupted data or whether instead claim 1 covered the rerouting of “traffic” (understood to mean inquiries from other people’s computers in a peer to peer file sharing system) to hash IDs being linked to corrupt content. Applicant replied, and here repeats, that claim 1 as drafted will cover either or both of the Examiner’s characterizations.

Applicant notes that Examiner raises a useful technical insight. However, Examiner’s insight is not aligned with the statutory standard. It is not grounds for a § 103 rejection that the claim coverage may cover either or both of such characterizations. Applicant is entitled to claim broadly, and in claim 1 does so. Applicant understands that the Examiner may further search, and may seek to use prior art references embodying his characterizations of rerouting and/or replacing content data to support an asserted 103 obviousness rejection of claim 1.

In that regard, Applicant hereby adds new claims 13, 14 and 15. Claim 13 depends from claim 1 and limits it to only the “replacement” of files, as claimed therein. Claim 14 alternately limits the method of claim 1 to only “rerouting of traffic” as claimed therein. Claim 15 further limits the method of claim 1 by requiring both the replacement of content data and the rerouting of inquiries from other people’s computers. Claims 1, 13 and 14 are supported by paragraphs 8 through 22 of the original application and throughout the specification and drawings. Claims 14 and 15, with regard to rerouting, are also supported throughout, but more particularly in paragraph 15, which describes the propagation of the hash IDs linked with modified content data through a peer to peer file sharing network. Accordingly, the claims presently pending include a disjunctive claim 1, covering either “replacing” or “rerouting,” an exclusive claim 13 covering

only “replacement,” an exclusive claim 14 covering only “rerouting,” and a conjunctive claim 15 covering a system that both “replaces” and “reroutes”.

Conclusion

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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